IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

FRIDAY, THE 1ST JUNE 2007 / 11TH JYAISHTA 1929

WP(C).No. 16814 of 2007(B)

PETITIONERS:

----

1. **JOY JOSEPH,**
   P.C. Q-5028,
   RAILWAY POLICE STATION, KOLLAM.

2. **PUSHPARAJAN.T.,**
   P.C. Q-4350,
   RAILWAY POLICE STATION, KOLLAM.

3. **NAZARKUTTY.A.,**
   P.C. Q-4478,
   RAILWAY POLICE STATION,
   PUNALUR, NOW WORKING AT RPS KOLLAM.

4. **JOY KUTTY,**
   P.C. Q-4371,
   RAILWAY POLICE STATION,
   PUNALUR.

BY ADV. SRI.K.SUBASH CHANDRA BOSE.

RESPONDENTS:

----

1. **DIRECTOR GENERAL OF POLICE,**
   POLICE HEADQUARTERS, KERALA,
   THIRUVANANTHAPURAM.

2. **SUPERINTENDENT OF POLICE,**
   RAILWAYS,
   THIRUVANANTHAPURAM.

W.P.(C). NO.16814/2007:

3. THE DISTRICT SUPERINTENDENT OF POLICE,
KOLLAM.

4. SUB INSPECTOR OF POLICE,
RAILWAY POLICE STATION, KOLLAM.

5. VIJAYAN, P.C. 2395,
VANDIPERIYAR POLICE STATION,
IDUKKI.

6. SURESH KUMAR, P.C- 4735,
SHOLAYAR POLICE STATION,
PALAKKAD.

7. BABUJI, P.C--4438,
KUNNAMKULAM POLICE STATION,
TRICHUR.

8. VIJAYAN PILLAI.K., P.C-7456,
MATTANCHERY POLICE STATION,
KOCHI CITY.

9. MANOJ KUMAR, P.C-1246,
CITY TRAFFIC POLICE STATION,
THIRUVANANTHAPURAM.

10. MELVIN ROY, P.C-3737,
KOLATHUR POLICE STATION,
MALAPPURAM.

11. SALIM, P.C-5654,
TRAFFIC POLICE STATION,
KOTTAYAM.

BY GOVT. PLEADER SRI. BIJOY CHANDRAN.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 01/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.BALAKRISHNAN NAIR, J.

W.P.(C) NO. 16814 OF 2007-B

JUDGMENT

The petitioners are Police Constables attached to the Railway Police Station, Kollam and Punalur. They have been repatriated by Ext.P4 order to their parent unit Kollam. This writ petition is filed by them, challenging their repatriation under Ext.P4 order. They submit, they have not completed the usual tenure of three years. They also point out that the persons posted in their vacancies are those working in other districts other than Kollam. Such postings are impermissible as per Ext.P3 directions issued by the Director General of Police. So, they pray for quashing Ext.P4 to the extent they are transferred under it.

2. What is done under Ext.P4 is not a transfer. It is repatriation of the petitioners to their parent unit. Further, they have been allotted only to Kollam district and they will be accommodated in some local police stations in that district. So, no serious prejudice is caused to them. If the D.G.P decides that the petitioners should not be hereinafter retained in the Railway Police Stations, this Court under Article 226 of the Constitution of India, cannot overrule that and say that the petitioners should be continued to be

posted in the Railway Police Stations. This Court cannot interfere with such administrative orders under Article 226. Better policing the Railway Stations is the concern of the D.G.P and this Court should not tinker with the same based on some inconveniences pointed out by the petitioners. If somebody from outside the district is posted to the Railway Police Station in Kollam, the transferees alone are aggrieved. If the transfer of the petitioners is correct, they are not concerned about the persons who are posted in their place. Therefore, the grounds raised against Ext.P4 are unsustainable.

In the result, the writ petition fails and it is dismissed.

1st June, 2007. K.BALAKRISHNAN NAIR, JUDGE.

Nm/